

**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 15-11

IGOR OVCHINNIKOV, IRINA RZAEVA, and DENIS NEKIPELOV,

— vs. —

**MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.**

INFORMAL DOCKET NO.: 1953(I)

KAIRAT NURGAZINOV,

— vs. —

**MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.**

COMPLAINANTS' MOTION REQUESTING A TELEPHONIC CONFERENCE

Pursuant to Rules 69 and 71 of the Federal Maritime Commission's (the "Commission") Rules of Practice and Procedure (46 C.F.R. 502 *et seq.*), Complainants, through their Counsel, Marcus A. Nussbaum, Esq. respectfully submit this Motion Requesting A Telephonic Conference with the Presiding Officer.

Complainants apologize for burdening the Presiding Officer with the instant request, but are compelled to do so as the result of a deteriorating relationship between counsel for the parties to this matter.

Specifically, complainants' counsel is at a complete loss as to how to deal with respondents' counsel, Mr. Jeffrey, who has, to date, threatened to report complainants' counsel to law enforcement over a reference to a popular song lyric; threatened to bring a civil lawsuit against complainants' counsel on behalf of respondents' counsel's junior associate, Ms. Vohra over a specious claim of alleged defamation which is precluded by immunity under the law; attempting through fraudulently authored submissions of a non-party, one Sergey Kapustin, to have complainants' counsel disqualified from representation of the complainants in this matter; submitted affidavits containing a forged signature of his client; violated the Rules for Practice and Procedure of the Commission with impunity by failing to 'meet and confer'; filed multiple submissions without leave of the Presiding Officer; filed spurious "Status Reports" in order to make additional unauthorized "argument" on submissions previously filed; and publicly docketed numerous filings with the Commission containing scurrilous, false, and fraudulent allegations and accusations against complainants' counsel.

In addition to the foregoing, Mr. Jeffrey has and continues to bombard the Commission, the Presiding Officer, and complainants' counsel with endless motions, filings, and other material now resulting in over one-hundred (100) filings, all of the foregoing *prior to* any substantial completion of discovery, or the holding of depositions hereon, which is completely unprecedented.

It is respectfully submitted that all of the foregoing has been machinated by Mr. Jeffrey, and his "coordinating counsel" who conspicuously has not appeared in this matter, one Jon Werner, for purposes related *solely* to unnecessarily multiplying litigation herein, 'tying up' complainants' counsel with endless submissions calculated to occupy complainants' counsel's time so as to distract from focusing on any of the substantive issues in the case; to vex, annoy, harass, and intimidate complainants and their counsel, and to at any and all costs, aggressively

avoid allowing this matter to proceed through discovery to an expeditious resolution, or any pretense of defending this case on the merits.

To the extent that Mr. Jeffrey's methods of practice have now brought this litigation to a grinding halt, it is hereby requested that a telephonic conference be held so that the Presiding Officer may set "ground rules" for the expeditious completion of discovery herein, in particular; and the continued litigation of this matter in general, with full cognizance and appreciation for the utter breakdown in relations between the attorneys for the parties hereto, inclusive of Mr. Jeffrey's direct responsibility for same.

It is further respectfully submitted that only direct and personal intervention by the Presiding Officer himself in the context of presiding over a telephone conference will provide *any* hope of this litigation 'moving forward' in the face of Mr. Jeffrey's obvious and unending efforts to at any and all costs, regardless of ethical considerations violated, or Rules of the Commission ignored, prevent same.

Wherefore, it is respectfully requested that the Presiding Officer schedule a telephonic conference at his earliest possible convenience, and that the Presiding Officer grant such other and further relief as deemed just and proper under the circumstances.

Dated: September 9, 2016
Brooklyn, New York

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Marcus A. Nussbaum", written over a horizontal line.

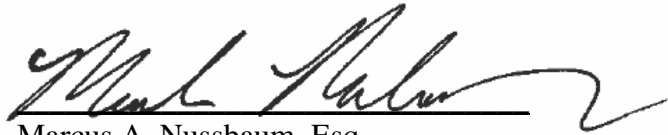
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the **COMPLAINANTS' MOTION REQUESTING A TELEPHONIC CONFERENCE** upon Respondents' Counsel at the following address:

Nixon Peabody LLP
Attn: Eric C. Jeffrey, Esq.
799 9th Street NW, Suite 500
Washington, DC 20001-4501

by first class mail, postage prepaid, (email service precluded by agreement).

A handwritten signature in black ink, appearing to read "Marcus A. Nussbaum", is written over a horizontal line.

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marcus.nussbaum@gmail.com

Dated: September 9, 2016 in Brooklyn, New York.